

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EILEEN MENDEZ, *as Legal Guardian of A.C.*, et  
al.,

Plaintiffs,

-against-

DAVID C. BANKS, *in his official capacity as  
Chancellor of the New York City Department of  
Education*, and NEW YORK CITY  
DEPARTMENT OF EDUCATION

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/19/2023

1:22-cv-8397 (MKV)


**ORDER OF DISMISSAL**

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter filed by Defendants informing the Court that the parties have reached a settlement in principle. [ECF No. 65]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by October 18, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

**SO ORDERED.**

**Date: September 19, 2023  
New York, NY**

  
**MARY KAY VYSKOCIL  
United States District Judge**